

**Enrolled Minutes of the Seventy-sixth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Meeting
Monday, November 26, 2018**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 26, 2018 at 6:40 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.

The study session ended at 6:59 O'clock p.m.

Regular Plenary meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular plenary meeting on Monday, November 26, 2018 at the regular starting time of 7:01 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Mark A. Herak presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Steven Wagner reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; Peter T. Hojnicky, Police Chief; John M. Bach, Public Works Director; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; Kathy DeGuilio-Fox, Redevelopment Director; and Kenneth J. Mika, Building Commissioner were present.

Also present: Ed Dabrowski, IT Consultant (Contract); and Larry Kondrat of the Waterworks Board of Directors were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of 12 November 2018 were approved by general consent.

Special Orders:

1. **Consideration of Budget Amendment and Proposed Additional Appropriations:** (controlled funds): Proposed Additional Appropriations in Excess of the 2018 Budget for the Unassigned Department of the Motor Vehicle Highway (MVH) Fund in the amount of \$2,123.00 by a corresponding reduction in the Administration Department of the same fund.
 - (a) Attorney verification of Proofs of Publication: The TIMES 07 November 2018. The Town Attorney stated that the proof complied with IC 5-3-1.

- (b) **Public Hearing.** The Town Council President called the public hearing to order. There were no comments. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2018-49:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Unassigned Department of the **Motor Vehicle Highway Fund**, by a corresponding reduction in the Administration Department of the same Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5

Councilor Zemen introduced and moved the consideration of Enactment No. 2018-49 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption of Enactment No. 2018-49 at the same meeting of its introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2018-49

An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Unassigned Department of the Motor Vehicle Highway Fund by a Corresponding Reduction in the Administration Department of the Motor Vehicle Highway Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Unassigned Department of the Motor Vehicle Highway Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That it has been determined that there are certain existing unobligated appropriations of the **Administration Department of the Motor Vehicle Highway Fund** which are not needed at this time for the purposes for which originally appropriated, and may now be reduced in order to satisfy an existing need, as follows:

MOTOR VEHICLE HIGHWAY FUND

Administration Department

Decrease

002-0016-31004	Tuition, Training & Development	\$35.71
002-0016-32003	Telephone	\$249.00
002-0016-33001	Legal Notices	\$177.17
002-0016-36002	Radio Programming	\$100.00
002-0016-39001	Subscriptions & Dues	\$525.60
002-0016-34003	Fleet Insurance	\$1,035.52
Total for Department:		\$2,123.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Unassigned Department of the Motor Vehicle Highway Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

MOTOR VEHICLE HIGHWAY FUND

No Department

Increase the following account:

002-0000-36003 Building Repair & Maintenance \$2,123.00
Total for Department: \$ 2,123.00

Section 3. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 26th Day of November 2018. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 26th Day of November 2018, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

*/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)*

General Orders and Unfinished Business:

- 1. Proposed Ordinance No. 1690:** An Ordinance to Amend the Compensation, Benefits and Personnel Program of the Municipality, known as the Compensation and Benefits Ordinance, Commonly Called the Municipal Employee Handbook Particularly Regarding Frequency of Employer Health Savings Account Contributions and Repealing Prior Ordinances and Enactments in Conflict Therewith, Pursuant to IC 36-1-3 and other relevant Statutes.

Councilor Vassar introduced and moved the consideration of Ordinance No. 1690 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Vassar moved the passage and adoption of Ordinance No. 1690 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**ORDINANCE NO. 1690
OF THE
TOWN OF HIGHLAND, INDIANA**

AN ORDINANCE TO AMEND THE COMPENSATION, BENEFITS AND PERSONNEL PROGRAM OF THE MUNICIPALITY, KNOWN AS THE COMPENSATION AND BENEFITS ORDINANCE, COMMONLY CALLED THE MUNICIPAL EMPLOYEE HANDBOOK PARTICULARLY REGARDING FREQUENCY OF EMPLOYER HEALTH SAVINGS ACCOUNT CONTRIBUTIONS AND REPEALING PRIOR ORDINANCES AND ENACTMENTS IN CONFLICT THEREWITH, PURSUANT TO IC 36-1-3 AND OTHER RELEVANT STATUTES.

WHEREAS, The Town Council is the fiscal and legislative body of the Town of Highland;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body; and

WHEREAS, IC 36-1-4, sections 14 and 15 provide in pertinent parts for the establishment of a system of employment for any class of employee and for fixing the level of compensation of its officers and employees; and

WHEREAS, IC 5-10 in several pertinent chapters further authorizes Indiana political subdivisions to participate in and provide for certain compensation plans, and group benefits for its public workforce and officers, some of which have been duly adopted and established by ordinance of the Town; and

WHEREAS, IC 36-5, Chapters 3 and 4 provide additional authority and guidelines for fixing the level of compensation of officers and employees in towns; and

WHEREAS, The Town Council has determined that an amendment of a program for compensation, benefits and personnel management for its public workforce, particularly regarding group insurance premiums paid by workers would be of benefit to support and carryout the public purposes of the municipality; and

WHEREAS, The Town Council now desires to make such an amendment;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the established compensation, benefits and personnel program of the municipality pursuant to and consistent with the provisions of the relevant governing law, is found and determined to require certain modification;

Section 2. That the ordinance, with the short title styled as styled as the "Compensation and Benefits Ordinance" and commonly called Municipal Employee Handbook is hereby amended revising **Section § 6.03.03** to read as follows:

§ 6.03.03 Health Savings Accounts (HSA Accounts)

The Town of Highland will provide a HIGH DEDUCTIBLE option in its group health insurance to support worker establishment of a *Health Savings Account* pursuant to and as outlined in the relevant sections of the Internal Revenue Code. The plan option will only be available to **eligible employees of the town hereinafter defined** who may elect the higher deductible option for the group health insurance plan. The Town of Highland as employer will make a financial contribution to the individual health saving account of the **eligible employees of the town hereinafter defined** that elect to participate. The **eligible employees of the town hereinafter defined** must not be covered by any other group health insurance plan. Details of the plan shall be maintained as a plan document and retained on file. The financial contribution will be paid in ~~quarterly~~ **two semi-annual** installments **scheduled by the Clerk-Treasurer** and be based upon the high deductible group health plan elected by the participating **eligible employees of the town hereinafter defined** as follows:

Group Health Insurance High Deductible (HSA) Plan Employer Contribution

	Employer Quarterly Semi- Annual Contribution	Annualized
Employee Single Coverage	\$245.25 \$490.50	\$ 981.00
Employee With Children	\$474.00 \$948.00	\$1,896.00
Employee With Spouse	\$499.00 \$998.00	\$1,996.00
Family Coverage with Spouse and Children	\$723.00 \$1,446.00	\$2,892.00

Section 3. That amendments adopted by the passage of this ordinance, in its substantive parts shall be compiled into a complete and simplified version, excluding its preambles or formal recitals, featuring a cover and brief narratives regarding the municipality and inserted in to a presented in handbook or similar form, to be distributed to employees and officers of the municipality and may be referred to as the *Employee Handbook*;

Section 4. That this ordinance is to be construed as a companion ordinance complimentary to any ordinance passed from time to time establishing wages and rates of pay and known as the salary ordinance;

- (a) That this ordinance shall be effective to the extent that it is not in conflict with Federal or State law;
- (b) That all other ordinances and resolutions related to the subject matter of this ordinance and not in conflict with its provisions, and the enabling instruments dealing with wellness programs, remain in full force and effect;

- (c) That all other ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed and have no further force or effect;

Section 5. That any actions made lawful by this amendment carried-out consistent with its provisions but exercised before its adoption, are hereby approved, authorized and ratified pursuant to I.C. 36-1-4-16;

Section 6. That this ordinance shall become and remain in full force and effect from and after the date of its passage and adoption upon its signature by the executive as attested thereto by the clerk-treasurer, in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 26th day of November 2018. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 26th Day of November 2018 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, Lake County, INDIANA**

/s/ Mark A. Herak, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

2. **Works Board Order No. 2018-41: An Order Authorizing and Approving the Second Change Order to the Contract with Indiana Department of Transportation related to the 45th Avenue and 5th Street Intersection Improvement Project, all Pursuant to I.C. 36-1-12-18.**

Councilor Wagner moved the passage and adoption of Works Board Order No. 2018-41. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**The Town of Highland
Order of the Works Board No. 2018-41**

An Order Authorizing and Approving the Second Change Order to the Contract with Indiana Department of Transportation related to the 45th Avenue and 5th Street Intersection Improvement Project, all Pursuant to I.C. 36-1-12-18

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore authorized and approved, through the passage and adoption of *Works Board Order No. 2015-41* on December 28, 2015, a public works project for intersection improvement, with added turn lanes, for 45th Avenue and 5th Street in the Town of Highland as a Federal Highway Aid (FHWA) Project, with the project commonly known as the **45th Avenue and 5th Street Intersection Improvement Project**; and

Whereas, The Town Council has heretofore approved a contract agreement, a **Local Public Agency (LPA) Project Coordination Contract**, presented by the Indiana Department of Transportation (INDOT) which provides for intersection improvement, with added turn lanes, for 45th Avenue and 5th Street in the Town of Highland, carried out as a Federal Highway Aid (FHWA) Project, styled as **EDS # A-249-09-320021, Des. No. 0088400** and further styled as a **STP Group I Project** Type in the original amount of **Six hundred, twenty-eight thousand, thirty-one Dollars and 20/100 Cents (\$628,031.20)**; and

Whereas, During the course of construction of the Project, it has become necessary or desirable to change or alter the original specifications of the project; and

Whereas, First Group Engineering, Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town, through the Public Works Director, has specifically identified and presented a description of such changes as one (1) proposed first addendum to the original construction **LPA (LPA) Project Coordination Contract** particularly in support of costs associated with several bid items, which has a net effect of increasing the contract cost by the amount of **Eighteen Thousand Six Hundred Eighty-nine Dollars and 80/100 cents (\$18,689.80)**; and

Whereas, The Town of Highland, through its Town Council which is also the Board of Works, now desires to accept and issue the order for change as described,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana:

Section 1. That Change Order No. 2, R-35932, 45th and 5th Street Intersection Improvement Project, as prepared by First Group Engineering, Inc., a licensed professional engineer performing construction engineering services on the Project, is hereby approved and authorized in each and every respect;

Section 2. That this second addendum is hereby ordered to be known as *Change Order No. 2*, issued to increase the net cost to the original **LPA (LPA) Project Coordination Contract** in the amount of **Eighteen Thousand Six Hundred Eighty-nine Dollars and 80/100 cents (\$18,689.80)**, bringing the total value of the entire agreement with any and all change orders approved to date to **Six hundred, Forty-six Thousand, Seven Hundred One Dollars and 00/100 Cents (\$646,701.00)**;

Section 3. That as any additional units of materials included in the original contract become needed, the costs of these units in this change order be the same as those shown in the original contract, all pursuant to IC 36-1-12-18(f);

Section 4. That the total of all change orders issued that increase the scope of this project may not exceed twenty percent (20%) of the amount of the original contract, that original contract being in the amount of **Six hundred, twenty-eight thousand, thirty-one Dollars and 20/100 Cents (\$628,031.20)**, which may not exceed **Seven Hundred Fifty-three Thousand, six hundred thirty-seven dollars and 44/100 Cents (\$753,637.44)**, all pursuant to IC 36-1-12-18(d);

Section 5. That the proper officers hereby be and are authorized to execute the necessary documents with their signatures.

Be it So Ordered.

Duly, Passed, Adopted and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26th day of November 2018 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Mark A. Herak, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

- 3. Works Board Order No. 2018-42:** An Order Authorizing, and Approving the Purchase of Turkeys for the Town of Highland employees in Recognition of and in Goodwill for their Service to the Town of Highland.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2018-42. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND
WORKS BOARD ORDER NO. 2018-42**

AN ORDER AUTHORIZING, AND APPROVING THE PURCHASE OF TURKEYS for the TOWN OF HIGHLAND EMPLOYEES in RECOGNITION OF AND IN GOODWILL FOR THEIR SERVICE TO THE TOWN OF HIGHLAND.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

Whereas, The Town Council, did organize and marshal the giving of turkeys to their town employees; purchase from Applewood Farm of Highland, Indiana in the amount of \$4,000.00 and

Whereas, The Town Council has further recommended, requested and identified appropriations in the Fund be authorized to support the payment of these turkeys;

Whereas, Under its authority of IC 36-1-3, the Town passed and adopted *Section 2.35.030 of the Highland Municipal Code*, which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests

of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and

Whereas, The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and actions,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the employee benefit for identified full-time and other certain year-round part-time workers, all defined as "*eligible workers*" as set forth in Section 6.03.06 of the compensation and benefits ordinance, granting a frozen turkey to express appreciation for members of the municipal workforce is hereby found and determined to be a proper exercise under the foregoing authority identified in the preamble;

Section 2. That the activity described in Section 1 of this order is hereby authorized and approved in an amount not to exceed \$4,000 and written records related to the activity shall be maintained;

Section 3. That any uncollected or undistributed turkeys are hereby found and determined to be unusable for the purposes for which they were obtained, and pursuant to IC 5-22-22-6 and IC 5-22-22-8(b) and shall be disposed of according to the terms IC 5-22-22 to a local food bank or pantry;

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to prepare an accounts payable voucher against the appropriate fund and account for the vendor from which the turkeys were obtained;

Section 5. That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

Be it so ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26th day of November having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/Mark A. Herak, President (IC 36-5-2-10)

Attest:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

4. **Works Board Order No. 2018-43:** An Order Approving and Authorizing An agreement between NIES Engineering, Incorporated and the Town of Highland to perform Professional Engineering Services during Construction for the Storm water, Wastewater and Potable Water Improvements in the amount not-to-exceed \$90,000.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2018-43. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN OF HIGHLAND
BOARD OF WORKS
ORDER OF THE WORKS BOARD NO. 2018-43**

**AN ORDER APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN NIES ENGINEERING,
INCORPORATED AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL ENGINEERING
SERVICES DURING CONSTRUCTION FOR THE STORM WATER, WASTEWATER AND POTABLE
WATER IMPROVEMENTS IN THE AMOUNT NOT-TO-EXCEED \$90,000.**

Whereas, The Town Council, the Economic Development Commission and the Redevelopment Commission heretofore has taken the necessary steps to authorize and incent a redevelopment project, styled as the Cardinal Campus Project, a Planned Unit Development being constructed in the Southtown Economic Development Area, with financing supported by tax increment captured in the Cardinal Campus Allocation Area; and

Whereas, The Town Council of the Town of Highland, Lake County, Indiana also serves as the Works Board of the Town, having concurrent jurisdiction to authorize and engage professional services associated with

construction and inspection of storm water sewers and plant, wastewater sewers and plant and potable water and plant, in the interest of administrative economy;

Whereas, NIES Engineering, Incorporated (Consultant) has offered and presented an agreement to provide and furnish professional engineering services during construction for the utility improvements associated with the Cardinal Campus Project, in consideration for fees to be charged and billed based upon a lump sum of the value of the services completed, in an amount not to exceed Ninety Thousand Dollars and 00/100 cents (\$90,000.00);

Whereas, The Town of Highland, through its Town Council, Economic Development Commission and Redevelopment Commission have approved a Development Agreement with CG Holdings, LLC, which provides in part to support the costs associated with the professional engineering services contemplated by this order from the proceeds of an Economic Development Bond issued on or before June 10 2018 in the amount of \$5,810,000;

Whereas, There are anticipated sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for services as herein described,

Now Therefore Be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana acting as the Works Board of the Town as follows:

Section 1. That the Professional Engineering Services during Construction Agreement, (incorporated by reference and made a part of this Order) between NIES Engineering, Incorporated and the Town of Highland to provide and furnish professional engineering services during construction for the utility improvements associated with the *Cardinal Campus Project*, in consideration for fees to be charged and billed is hereby approved, adopted and ratified in each and every respect;

Section 2. That the terms and charges under the agreement for Professional Engineering Services during Construction, which include shop drawing review, field inspection of storm water, sanitary sewer and potable water installation work, punch-list follow-up and record drawing coordination in the not to exceed fee amount of Ninety Thousand Dollars and 00/100 cents (\$90,000.00) is found to be reasonable and fair;

Section 3. That the Town of Highland, through its Town Council, believes that NIES Engineering, Incorporated has demonstrated professional competence and has the qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

Section 4. That any services that may have been performed and delivered pursuant to this agreement prior to its approval by this order are hereby approved and ratified, all pursuant to IC 36-1-4-16;

Section 5. That the proper officer be authorized to execute the Agreement with his signature.

Be it so Ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 26th day of November 2018 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Mark A. Herak, President (IC 36-5-2-10)

Attest:

/s/ Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1;IC 36-5-6-5)

5. **Meeting Rescheduling.** Standing plenary meeting on December 24, 2018 requires rescheduling owing to the holiday. Pursuant to HMC Section 2.05.130 (E), this action requires a two-thirds vote.

Councilor Zemen moved that the meeting of December 24, 2018 be rescheduled to Wednesday, December 26, 2018 with the meeting beginning at 6:30 p.m., and a study immediately preceding at 6:00 p.m. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The meeting was rescheduled.

Comments from the Town Council:

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • IT Liaison • Liaison to the Board of Waterworks Directors • Liaison to the Community Events Commission.*

Councilor Zemen acknowledged the Building Commissioner, who offered a survey of matters before the Municipal Planning Commission to be taken up in a study session.

Councilor Zemen acknowledged the Redevelopment Director, who reported on the possible acquisition of the former H.H. Gregg site by Ashley Homestore Furniture.

Councilor Zemen also thanked all the persons who assisted with the recent Festival of Lights and the holiday parade.

- **Councilor Dan Vassar:** *Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who reported that over 1,200 runners participated in the Pumpkin Plod; He further reported on additional recreation activities.

- **Councilor Steve Wagner:** • *Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner acknowledged the Building Commissioner who reported on matters before the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who reported on recent incident responses by the Fire Service.

Councilor Kuiper thanked the Public Works Director for his work with the 45th and 5th Street Intersection Improvement Project and bringing it to conclusion.

- **Councilor President Mark Herak:** *Town Executive • Chair of the Board of Police Pension Trustees • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Town Board of Metropolitan Police Commissioners, Liaison.*

The Town Council President acknowledged the Town Attorney who reported on condemnation litigation regarding the easements for the 45th & 5th Streets Intersection Improvement.

The Town Council President acknowledged the Public Works Director who offered a status report on the recent presentation by Commonwealth Engineering to the Board of Sanitary Commissioners on suggested preliminary plans for reducing SSO.

The Town Council President commended the salting work on the streets recently with the icing conditions.

Comments from Visitors or Residents:

1. Elijah Aurand, 9315 Farmer Drive, Highland, noted the amounts of standing water and asked about the risk of West Nile owing to mosquitoes.

With leave from the Town Council, the Public Works Director reported that no study had been done but that the Public Works Department does bait wet areas to eliminate mosquitoes.

2. Larry Kondrat, 8115 Fourth Place West, Highland, inquired about the funding source for the payment identified in Works Board Order No. 2018-43. It was noted that the payment was supported by the Economic Development Bonds associated with the Cardinal Campus Project.

Mr. Kondrat also inquired about the status of the Public Works Facility relocation.

Payment of Accounts Payable Vouchers. There being no further comments from visitors or residents, Councilor Wagner moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **November 13, 2018 through November 26, 2018.**, and the **payroll docket for November 9, 2018.** Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll docket listed was ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$204,209.82; Motor Vehicle Highway and Street (MVH) Fund, \$62,805.99; Local Road and Street (LR&S) Fund, \$8,656.52; Law Enforcement Continuing Education, Training, and Supply Fund, \$1,518.49; Gasoline Agency Fund, \$1,013.18; Information and Communications Technology Fund, \$7,768.19; Civil Donation Fund, \$ 38.49; Police Pension Fund, \$67,903.28; Municipal Cumulative Capital Development Fund, \$3,132.17; Traffic Revenue and Law Violations Fund, \$1,000.00; Gaming Revenue Sharing Fund, \$30,699.44; Special Community Crossings Grant Fund, \$577,675.16; Public Safety LIT Fund, \$42,860.00; Economic Development LIT Fund, \$6,320.00; Total: \$1,015,600.73.

Payroll Docket for payday of November 09, 2018:

Council, Boards and Commissions, \$0.00; Office of Clerk-Treasurer, \$14,449.29; Building and Inspection Department, \$8,840.74; Metropolitan Police Department, \$121,560.00; Fire Department, \$3,504.31; Public Works Department (Agency), \$62,265.22; and Police Pension, \$0.00. Total Payroll: \$210,619.56.

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, November 26, 2018 was adjourned at 7:37 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer